

## **ORDINANCES INTRODUCED**

**51.101.16**

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT STREET NOS. 2 THROUGH 11 SANDIDGE WAY (FORMERLY LOUGHLIN STREET), STREET NOS. 3 THROUGH 12 SANDIDGE WAY (FORMERLY LOUGHLIN STREET) AND STREET NOS. 263 THROUGH 275 FULLER ROAD FROM R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT) TO RMV (RESIDENTIAL MULTI-FAMILY OVERLAY) AND AMENDING THE ZONING MAP ACCORDINGLY.**

## **RESOLUTIONS INTRODUCED**

**96.101.16R      A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

**97.101.16R      RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURUSANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2016 TAX YEAR**

**Council Member                      introduced the following:**

**Ordinance Number 51.101.16**

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT STREET NOS. 2 THROUGH 11 SANDIDGE WAY (FORMERLY LOUGHLIN STREET), STREET NOS. 3 THROUGH 12 SANDIDGE WAY (FORMERLY LOUGHLIN STREET) AND STREET NOS. 263 THROUGH 275 FULLER ROAD FROM R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT) TO RMV (RESIDENTIAL MULTI-FAMILY OVERLAY) AND AMENDING THE ZONING MAP ACCORDINGLY.**

**The City of Albany, in City Council convened, does hereby ordain and enact:**

**Section 1. Residential Multifamily Village Overlay**

**A. Purpose and Intent**

The Purpose of the Residential Multifamily Village Overlay (RMV) is to provide for neighborhoods containing groups of multi-family housing structures that may not be located on individual lots and may be organized around open spaces or curvilinear streets or paths rather than on separate lots within a street grid. Such a village within a city, when located near centers of employment may provide more housing within walking distance of employees of such centers. As depicted in the Albany 2030 Plan, this area is near an Employment / Education Activity Center. Allowing for a higher density of housing would provide more housing within walking distance to both major employment, educational, and retail centers, as well as within close proximity to existing transit and future Bus Rapid Transit (BRT) lines.

**B. Zoning Boundaries**

The boundaries of this overlay area are depicted on the accompanying map, Residential Multifamily Village Overlay District.

**C. Applicability**

- (1) All regulation of the underlying zones, R-1A shall continue to apply until such time as a site plan for redevelopment has been approved by the City of Albany Planning Board.

- (2) Adoption of this Zoning Overlay by the Common Council shall not constitute approval of any new development or redevelopment within the mapped area. All such projects must be approved through the City's Planning Board Site Plan Review Process before any building permits will be issued.

D. Principal permitted uses shall be as follows:

- (1) All principal permitted uses within the underlying R1A - Single Family Low Density Residential District.
- (2) Dwelling, Townhouse.
- (3) Dwelling, Multi-Family.
- (4) Community Residential Facility.
- (5) Community Center.
- (6) Park or Playground.
- (7) Police or Fire Station.
- (8) Public Utility or Services, Minor.
- (9) Religious Institution.

E. Accessory uses shall be as follows:

- (1) All accessory uses within the underlying R1A - Single Family Low Density Residential District.
- (2) Office.
- (3) Parking Lot.
- (4) Parking Structure.
- (5) Alternative Energy Equipment.
- (6) Customary Accessory Uses and Related Structures.
- (7) Day Care Home.
- (8) Electrical Vehicle Charging Station.
- (9) Home Occupation.
- (10) Rain Barrel.
- (11) Storage Shed.
- (12) Swimming Pool.
- (13) Pool House, Club House.
- (14) Trash Storage, Outdoor.

F. Special permitted uses shall be as follows:

- (1) All special permit uses within the underlying R1A - Single Family Low Density Residential District.
- (2) Assisted Living Facility or Nursing Home.
- (3) Group Living, Other.
- (4) Cultural Facility.
- (5) Day Care Center.
- (6) Elementary or Secondary School.
- (7) Higher Education Institution.
- (8) Hospital.

G. Yard regulations shall be as follows:

- (1) All yard regulations within the underlying R1A - Single Family Low Density Residential District shall apply.
- (2) For new construction of multi-family housing, the following yard regulations shall apply.
  - a. Minimum front yard: 10 feet.
  - b. Minimum side yard: 15 feet.
  - c. Minimum rear yard: 20 Feet
  - d. Maximum building height: 5 stories
  - e. Maximum impervious coverage: 50%.

H. Optional District Plan

- (1) In the RMV Overlay, a project that contains two acres or more of land owned or operated by a single or legally related institution, may choose to obtain approval of a District Plan from the City. For projects smaller than two acres, the Director may require that a District Plan be prepared and submitted with the application if potential activities or development within the RMV Overlay could create significant adverse impacts on surrounding properties.
- (2) Each District Plan shall be reviewed by the Planning Board through Site Plan Review and shall meet the following standards:

I. Use Specific Standards

- (1) Community Residential Facility
  - a. Community Residential Facility, Medium: A facility housing between nine and 14 unrelated individuals receiving services, plus those providing services is permitted in the RMV Overlay District.
- (2) Parking Lot or Parking Structure

- a. These uses must meet all requirements for location, layout, and design of parking lots and parking structures Section (Parking and Loading).

(3) Swimming Pools

- a. Must be erected on the same lot as the principal structure, or on an adjacent lot held in common ownership as the lot on which the principal structure is located.
- b. Must be erected in the rear yard of any lot where it is permitted, as noted above.
- c. Must be:
  - i. A minimum of six feet from any side yard.
  - ii. A minimum of ten feet from the rear lot line.
  - iii. A minimum of six feet from the principal structure, porch or deck attached to the house. With respect to aboveground swimming pools, said distances shall be measured from the outer edge of any deck or platform attached to the wall of the pool.
  - iv. Each pool constructed above ground or in-ground shall be completely surrounded by an opaque fence or wall, the top of which on its perimeter shall be six and one half feet above grade, or by a vegetated screen with 100 percent opacity and at least six feet in height at the time of planting . The pool shall be enclosed in a manner consistent with the New York State Uniform Fire Prevention and Building Code. This requirement does not apply to temporary pools with non-rigid walls designed to be filled by garden hoses rather than a piped water connection, provided that the pool is not designed to contain water more than 18 inches deep. Each pool shall be equipped with an integral filtration system and filter pumps or other mechanical devices, which shall be so located, constructed, and operated as to not interfere with the peace, comfort, and repose of the occupant of any adjoining property.
  - v. No lighting or spotlighting shall be permitted that is capable of projecting light beyond the boundaries of the lot on which said pool is located.

(4) Trash Storage, Outdoor

- a. All trash and recycling storage accessory to all multi-family buildings with more than 20 dwelling units shall:
  - i. Be enclosed on all sides so as not to be visible from a public street or other publicly- accessible area. At least one side of the enclosure must include a gate or door that can be securely closed.
  - ii. For multi-family uses only, the required enclosure shall be 150 SF for every 50 units.
  - iii. The enclosure shall not be located in any required front yard, side yard, parking, or other landscaped area, or any other area required to be maintained by applicable law.
  - iv. Enclosure shall be architecturally compatible to the primary structure(s) and constructed utilizing similar or compatible materials.

- v. If the trash or recycling enclosure is located within 50 feet of a Residential zone district, removal of trash or recycling materials by a commercial contractor is prohibited between the hours of 11:00 pm and 6:00 am.

#### J. General Development Standards

- (1) No parking garage or surface lot shall be located within 50 feet of the boundary with a single family home.
- (2) No local street passing through a single family district shall be used to access a parking garage or a parking lot containing more than 100 vehicles in the RMV Overlay.
- (3) Any primary or accessory structure in the RMV Overlay with a wall that faces a single family district and that is more than 100 feet in length shall be horizontally articulated into bays or visually distinct segment no more than 50 feet in length through the use of projections, insets, or changes in wall alignment, or materials.
- (4) No primary, non-residential use shall operate before 8:00 am or after 10:00 pm.

#### K. Parking Standards in the RMV Overlay

- (1) One-off-street parking space shall be provided for each residential unit.
- (2) The minimum number of off-street parking spaces required for new development or redevelopment may be reduced at the discretion of the City of Albany Planning Board if supported by a Traffic and Parking Demand Study, showing nearby employment centers, bikeability, walkability, and proximity to public transit within 1/4 mile of the development with transit stop that have a peak service frequency of 15 minutes or better.
- (3) One visitor parking space for every ten (10) residential units shall be provided. On street parking may be utilized to fulfill this requirement.
- (4) Off-street parking spaces shall be a minimum of eighteen (18) feet by nine (9) feet.
- (5) Parking and loading must be designed so that it does not require backing out onto a public street.
- (6) All parking spaces must be paved and properly striped.
- (7) Parking areas, circulation, and all other paved areas will be calculated along with building coverage to determine impervious lot coverage.
- (8) The City of Albany strongly encourages low-impact development techniques for parking areas, including the use of pervious pavements. An approved pervious pavement design may be deducted from the total impervious lot coverage.
- (9) All parking areas must be designed to accommodate a snow storage area sufficient for expected snowfall. Such areas should be designed and located to ensure that fencing, landscaping and other screening and design features are protected from damage.
- (10) All parking areas must adhere to the landscaping and lighting requirements
- (11) Parking areas must be designed to ensure pedestrian safety that includes protected or marked pathways from the farthest row of parking to the buildings that they serve.

- (12) The City may require installation of pedestrian safety devices such as convex mirrors or other warning devices if the Director determines that there would be significant risk to public health or safety without the installation of such devices.

#### L. Parking Garage Standards in the RMV Overlay

Aboveground parking garages or portions of structures occupied by automobile parking shall meet the following standards:

- (1) The height of an accessory parking garage shall not exceed the height of the principal structure it is intended to serve.
- (2) Open-air, rooftop parking is permitted, but shall be screened by a parapet wall or similar building feature that is an integral part of the building's architectural design and is of sufficient height to screen the parked and circulating vehicles when viewed from ground level from any public right-of-way adjacent to the property. The parapet wall shall be included in the maximum permitted height of the parking garage.
- (3) Vehicle parking surfaces along any street frontage of the garage shall not be permitted on a ramp leading to a higher or lower level of the garage.
- (4) Elements such as decorative grillwork, louvers, or translucent materials shall be used on the upper floor façades, or the upper parking floors shall be designed with a pattern of window-like openings on the parking garage façade. The design and materials shall conceal the view of all parked cars below the hoodline through the use of opaque or semi-opaque façade materials that extend at least three feet in height above the vehicle parking surface.
- (5) Any vehicle exit barrier, including but not limited to a gate or payment booth, shall be located at least 20 feet inside the exterior wall of the parking structure.
- (6) The City may require installation pedestrian safety devices such as convex mirrors or other warning devices if the Director determines that there would be a significant risk to public health or safety without the installation of those devices.

#### M. Landscaping, Screening and Buffering

##### (1) Purpose

- a. Promote a healthy environment by providing shade, air purification, oxygen regeneration, groundwater recharge, stormwater runoff management, erosion control, and noise, glare and heat abatement;
- b. Provide visual buffering from streets, buffering of potentially incompatible land uses, and generally enhance the quality and appearance of the City;
- c. Encourage the preservation of existing trees and vegetation that offer environmental, aesthetic, habitat, sustainability, and economic benefits to the City and its citizens.

#### N. General Landscaping Standards

##### (1) Required Plant Materials



- a. Tree and shrub species used to meet the landscaping requirements shall be from the City of Albany Selected Plant List as approved by the City Forester, as amended. Upon presentation of evidence, the Director may authorize alternative species or cultivars that meet the intended purpose, are not invasive or hazardous, and equally hardy and capable of withstanding the local climate.
- b. Plants listed on the City of Albany Prohibited Plant List, as amended, or on any state government list of invasive or prohibited species shall not be installed and shall not be counted towards meeting any landscaping requirement.
- c. All plant material shall be hardy to the Albany region, suitable for the site, free of disease and insects, and conform to the American Standard for Nursery Stock (ASNS) of the American Nursery and Landscape Association standards for the quality and installation of that plant.
- d. In all areas where landscaping is required, a minimum of 80 percent of the surface area shall be covered by living materials, rather than bark, mulch, gravel, or other non-living material.
- e. The use of synthetic vegetation (plastic plants, etc.) shall not be used to meet any of the required landscaping, screening, or buffering standards.
- f. Landscape areas as required by this USDO shall be designed to be drought tolerant.

(2) Soil Conditions and Planting Beds

- a. All landscaping required by this USDO shall be planted in uncompacted soil.
- b. The planting bed of required trees and shrubs shall be mulched with shredded bark or wood mulch. The planting bed for groundcover plantings, including perennial and annual flowers, shall be mulched.
- c. All landscaped areas shall be protected from vehicular encroachment by curbs or wheel stops. Curbs shall be provided with openings to accommodate surface collection of stormwater runoff in vegetated swales and detention facilities unless pavement is permeable.

(3) Minimum Plant Sizes at Installation

<b>Plant Type (ASN types)</b>	<b>Minimum Size</b>
Large Deciduous Shade Tree – mature height greater than 45 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Medium Deciduous Shade Tree – mature height greater than 30 ft.	Two inch caliper, measured six inches above the ground, as specified by the American Standard of Nursery Stock.
Small Deciduous Shade Tree – mature height greater than 20 ft.	As specified by the American Standard of Nursery Stock, except for true dwarf

	species.
Ornamental Tree	Four feet in height, as specified by the American Standard of Nursery Stock, except for true dwarf species
Conifers	Six ft. in height
Shrubs	Five gallon container size
Ground Cover Plants (crowns, plugs, containers)	A species appropriate number to provide 50% surface coverage after two growing seasons
Grass Seeding or Sod	Seed mix shall be of pure live seed weight and 99% weed free.

#### (4) Plant Material Spacing

- a. A minimum three foot radius shall be provided free of trees or shrubs around fire hydrants, valve vaults, hose bibs, manholes, hydrants, and fire department connections.
- b. Where tree planting requirements are based on linear street frontage, areas occupied by driveways shall be included when calculating the number of trees required to be planted, and all trees that would otherwise be required in driveways shall be planted in other landscaped front yard areas.
- c. The Director may authorize adjustments to these spacing requirements when required due to topography, drainage, utilities or obstructions, provided that the total amount of required landscaping is not reduced.

#### (5) Vegetative Coverage

- a. Landscaping, screening, and buffering shall achieve at least the equivalent of 30 percent lot coverage by vegetative material.

#### (6) Snow Storage Areas

- a. Snow storage area(s) shall be provided to ensure that landscaping, fencing and other screening devices are protected from damage during snow storage operations.

#### (7) Low Impact Development / Stormwater Treatment

- a. On any development or redevelopment site larger than two acres, at least 25 percent of required landscaped areas shall be designed and constructed to serve as

stormwater infiltration and treatment facilities for stormwater falling on impervious surfaces on the lot or parcel, and the remainder of required landscaped areas shall be designed and constructed to serve as stormwater infiltration and treatment facilities for stormwater falling on impervious surfaces on the lot or parcel to the maximum degree practicable. In areas where soil conditions do not allow for such infiltration, other LID techniques shall be utilized.

- b. On smaller development or redevelopment sites, required landscaping shall be designed and constructed to serve as on-site stormwater infiltration and treatment facilities to the maximum degree practicable.

#### (8) Street Trees and Lot Frontage Landscaping

- a. Where a detached sidewalk and a planting area between the sidewalk and street or curb exists, at least one shade tree shall be planted per 35 linear feet of street frontage. Where existing trees are retained they may be utilized to meet the requirements under this section if they meet the approval of the City Forester. Required trees shall be planted with 35 foot on-center spacing to the maximum degree practicable. Where the planting of shade trees would interfere with overhead electric power lines, at least one ornamental tree with a mature height of 12 feet shall be planted per 20 feet of street frontage.
- b. Where a detached sidewalk does not exist, one shade tree per 35 linear feet of street frontage shall be planted in alignment with any similar street frontage landscaping on adjacent lots, or if that is not possible or adjacent lots do not contain front yard landscaping, then the trees shall be planted with 35 foot on-center spacing and within 25 feet of the right-of-way to the maximum degree practicable.
- c. Where the sidewalk extends from the back of curb to the lot line or building frontage, tree wells shall be installed in the sidewalk to allow planting of one shade tree per 35 feet of linear street frontage. Tree wells in sidewalks five feet wide or less shall be covered with a tree grate or pervious pavement, and the opening in a tree grate for the trunk must be expandable.
- d. All plantings in the public right-of-way require approval by the Department of General Services approval, and plantings deemed unsafe or impracticable by the Department of General Services due to utility, slope, maintenance, location, visibility, alignment, or other factors are not required to be installed.
- e. In addition to the provisions for street trees above, where the primary structure is located more than 20 feet from the street, a minimum of 20 percent of the area between the front lot line and the primary building facade must be landscaped with vegetative cover, shrubs, or trees in the following situations.
  - i. All multi-family structures and non-residential primary structures in Residential zoning districts;
  - ii. All primary structures in the Mixed-Use districts and the I-1 district.

#### (9) Side and Rear Lot Line Buffers

- a. A landscaped buffer shall be provided along each side or rear lot line, by the applicant seeking City approval for development or redevelopment, where the

following abutting conditions occur and the two properties are not separated by a street, alley, stream, or railroad right-of-way:

- i. In the Residential zoning districts, where any lot containing a multi-family dwelling structure or any non-residential structure abuts a lot containing an occupied single-family detached dwelling, two-family detached, or townhouse structure.
  - ii. In all zoning districts, where a new or redeveloped primary structure will contain four or more stories, and the abutting property contains an occupied primary structure containing two or fewer stories.
- b. Where side or rear lot line buffer landscaping is required, the buffer landscaping shall comply with either Option 1 or Option 2 below.
- i. Option 1: A landscape buffer area at least ten feet wide, containing at least one medium shade tree for every 35 linear feet of lot line and three large shrubs per 25 feet of lot line, with spacing designed to minimize sound, light, and noise impacts, and with living materials covering at least 50 percent of the ground surface. In any case where the abutting property is a single-family detached dwelling, a two-family detached dwelling, or a row-house, and a fence separates the two properties, the required landscaping shall be installed on the side of the fence facing the single-family detached dwelling, two-family detached dwelling, or townhouse.
  - ii. Option 2: An opaque wall, fence, or a vegetative screen with at least 50 percent opacity, six feet in height in areas behind the front façade of the primary building, and four feet in height forward of the front façade of the primary building, meeting the requirements below. If a wall or fence is used to meet this requirement, the side facing away from the applicant's property shall be at least as finished in appearance as the side facing the applicant's property.

(10) Parking Lot Landscaping

All development required to provide parking for five or more vehicles shall comply with the following requirements, in addition to the requirements of Section Parking and Loading above.

- a. Landscaping
  - i. An area equal to at least seven percent of the surface area occupied by vehicle parking spaces and the driving aisles and driveways necessary for access to and circulation among those spaces shall be landscaped. Landscaping shall include at least one tree island containing at least 80 square feet of land area, each containing at least one medium shade tree or larger, for every 20 parking spaces. Parking lot screening provided under Subsection (b) below shall not be used to meet this seven percent landscaping requirement.
  - ii. Curbs installed at the edges of required perimeter and interior landscaped areas shall have openings that allow stormwater drainage from the pavement to enter and percolate through the landscaped areas unless such lots utilize permeable pavement or other permeable surface.

b. Screening

- i. Where a parking area or lot for five or more vehicles is adjacent to a lot in a Residential district or a lot containing a primary Residential use, and the parking lot is not separated from the adjacent property by a primary or accessory structure, the parking area or lot shall be screened from the adjacent district or use using one of the two options in Subsection (5)(b) above, as applicable to the zoning district where the parking area or lot is located.
- ii. Where a parking area or lot (excluding driveways) is located within 30 feet of a front lot line, and is not separated from the front lot line by a primary or accessory structure, the parking area or lot shall be screened from the street by one or both of the following, located within five feet of the front property line:
  - (a) A masonry wall (not including Concrete Masonry Unit blocks) between 30 and 36 inches in height; or
  - (b) A decorative iron fence between 30 and 42 inches in height, with masonry piers that may extend to 48 inches in height. Masonry piers may not exceed 18 in. in width, viewed from the street, and may not occupy more than 20 percent of the length of the fence.
- iii. The location of required parking lot landscaping shall allow visibility from adjacent streets and from at least one pedestrian entry to a primary building on the lot to the maximum extent feasible.

(11) Preservation of Existing Landscaping

- a. In the event that existing, non-invasive vegetation meets the intent of the screening or landscaping requirements, preserved existing vegetation will be credited towards the landscaping required by this Section 375-4(F). No credit shall be given for existing vegetation that is invasive or listed in the City of Albany Prohibited Plant List or any state list of prohibited or invasive plants.
- b. Existing vegetation used to meet the requirements of this Section 375-4(F) shall be protected during construction by a fence erected around an area one foot beyond the dripline of the preserved vegetation.
- c. Preservation of trees shall be given credit toward required landscaping as follows:
  - i. Trees may be credited only one time towards one buffer, screen, or other landscape requirement.
  - ii. Trees shall be located within the required landscape area to which they will be credited.
  - iii. Tree credits shall be awarded in the quantities shown below based on Diameter at Breast Height (DBH) approximately four and a half feet from the ground.

Caliper of Preserved Tree (in.)	Reduction in Required No. of Trees
Over 12 in. DBH	3

Over 8 in. to 12. In DBH	2
5 in. to 8 in. DBH	1

(12) Screening of Service Areas and Equipment

a. Loading, Service, and Trash Enclosure Areas

- i. Trash enclosure area shall be screened by an opaque wall, fence, architectural feature, or architectural extension of the building, eight feet in height, or by a vegetated screen with at least 80 percent opacity and at least six feet in height at the time of planting.

b. Roof-Mounted Mechanical Equipment

- i. Roof-mounted mechanical equipment for any multi-family use, not including solar collectors or wind energy devices, shall be screened by a parapet wall or similar building feature that is an integral part of and compatible with the building's architectural design.
- ii. The parapet wall or similar screening feature shall be of sufficient height to screen the mechanical equipment from all sides when viewed from ground level from any public right-of-way adjacent to the property.

c. Ground-Mounted Mechanical Equipment

- i. Ground-mounted mechanical equipment shall be screened from ground level view from adjacent properties and from all public rights-of-way adjacent to the property, by landscaping or by decorative wall or fence that incorporates at least one of the primary materials and colors of the nearest wall of the primary structure.
- ii. The wall or fence shall be of a height equal to or greater than the height of the mechanical equipment being screened.
- iii. If landscaping is used for screening, the screening material shall be designed to provide 80 percent opacity within one year of planting along the full required height and length of the screening buffer and shall be compatible with the overall planting scheme in that landscaped area.

(13) Stormwater Management

- a. All development and redevelopment in the City shall comply with the requirements of Chapter 299 (Sewers) of the City Code.
- b. Each application for development or redevelopment shall be referred from the Department of Planning and Development to the Albany Department of Water and Water Supply for a determination of whether the existing sanitary and storm sewer infrastructure is adequate in size, location, connectivity, and construction quality to accommodate expected flows of both sanitary sewer and stormwater from the

proposed facility. If the Albany Department of Water and Water Supply determines that the existing sanitary and/or storm sewer infrastructure is not adequate to accommodate expected sanitary and stormwater flows from the proposed development, the City may require that the applicant modify the proposed development and/or install or contribute a proportional share of the overall cost to the installation of required storm and sanitary sewer infrastructure before the proposed development is approved, and the applicant may be required to pay its proportionate share of those costs.

- c. All New York State Department of Environmental Conservation Stormwater Management Design Manual applicable to properties one acre in size or larger shall also apply to properties in the City between one-quarter (1/4) and one acre in size.
- d. The maximum allowable discharge into the Albany sewer system shall be the 10 year storm discharge for pre-development conditions.

#### O. Building Design Standards

##### (1) Wall Plane Articulation

Each façade longer than 100 feet in length abutting a public street or a single family district shall incorporate at least one of the following for each 100 feet of linear building frontage or part thereof:

- a. A change of building material and texture at least (not just color) at least ten feet in width;
- b. A recess into the wall plane at least six inches in depth and one foot in width;
- c. A projection at least six inches from the wall plane and extending at least one foot in width;
- d. A window extending at least ten linear feet inset into the building wall plane at least four inches; or
- e. A pedestrian entrance to the building, together with surrounding architectural recesses, projections, or foundation plantings to emphasize the visibility of the entrance, which together extend at least ten linear feet.

#### P. Outdoor Lighting

##### (1) Purpose

The purpose of this Section is to ensure that vehicle circulation areas, pedestrian circulation areas, parking areas, public gathering spaces, approaches to buildings, and other areas have adequate outdoor illumination to promote safety and walkability at night; to control the negative impacts associated with nuisance outdoor lighting, excessive lighting, dramatic contrasts between lit and unlit areas; and to minimize objectionable light spillover onto adjacent properties.

##### (2) Applicability

- a. Lighting for special events, emergencies, construction, or holidays shall be exempt from these decorative lighting standards provided that the lighting is temporary and

is discontinued within seven days upon completion of the project or the holiday for which the lighting was provided.

(3) Standards Applicable to All Developments

- a. On-site driveways and parking areas shall be lit with full cutoff, downcast, luminaire type lighting fixtures. Incandescent light sources of 100 watts or less or other sources such as Light Emitting Diode (LED) providing the equivalent lighting of a 100 watt incandescent bulb that are located at least 150 feet from the property line of a residential district are exempt from the full cutoff shielding requirement.
- b. Lighting fixtures installed in canopies or similar structures shall be flush-mounted or recessed above the lower edge of the canopy, and shall be equipped with flat or recessed lenses.
- c. Sidewalks, walkways, and bicycle paths shall be lit with full cutoff shielded lighting fixtures no more than 16 feet tall and providing consistent illumination of at least one footcandle on the walking surface.
- d. Spill light, such as landscape lighting that also covers pathways, or architectural lighting that provides security at the base of the building should be considered, however, spill light should not create high light levels at or across property lines.
- e. Security lighting shall be designed in such a way as to enhance the land or architectural design of the building. Security wall packs are not permitted.
- f. Lighting sources shall be color-correct types such as Halogen, metal halide, or LED unless otherwise required within this ordinance. Light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited.
- g. Lighting fixtures shall have a minimum light intensity of one lumen per square foot and a maximum intensity of two lumens per square foot.
- h. Light spillover onto adjacent properties shall not exceed 0.1 footcandles at the property line except where adjacent to walkways, driveways, public and private streets.
- i. All exterior light fixtures shall generate at least 7.43 footcandles per watt of energy consumed, as shown on the manufacturers specifications for the fixture.
- j. No light source (e.g. bulb or filament) shall be directly visible from a single-family Residential zone district, except for decorative lighting.

(3) Additional Standards for Architectural Lighting

- a. Lights shall not be mounted above the parapet or above the eave on a pitched roof except for motion-activated security lighting.
- b. Except in the I-2 district, no “wall packs” or similar lights are permitted unless the fixture cutoff angle effectively eliminates any glare above 0.1 footcandle beyond the property lines except where adjacent to walkways, driveways, public and private streets.
- c. Decorative lighting is permitted to enhance the appearance of a building and/or landscaping, provided that all light is cast up against the building surface or



downward onto a tree or other landscape feature and away from pedestrians or any adjacent Residential district, and does not cause distracting reflections on any storefront window or adjacent properties.

- d. Decorative lighting shall not exceed 100 watts of incandescent illuminance or the equivalent.

## Q. Property Maintenance Standards

### (1) General

When the standards and procedures of this Ordinance or conditions attached to any permit, approval, or variance require that any building or site feature be constructed or installed, the property owner is responsible for maintaining those buildings or site features in good repair, and for replacing them if they are damaged or destroyed or, in the case of living materials, if they become diseased or die after installation. In addition, property owners shall be responsible for each of the additional maintenance, replacement, and operating standards set forth in this Section.

### (2) Landscape Maintenance

- a. The trees, shrubs, fences, walls, walks, and other landscaping materials shown on approved plans are approved elements of the project. The property owner and any agents authorized to maintain the property shall be responsible for the continued maintenance of those items. Plant material that exhibits evidence of insect pest disease or damage shall be treated to remove the disease, and dead plants shall be promptly removed and replaced within the next planting season. Heavy undergrowth and accumulations of plant growth noxious or detrimental to health or safety shall be eliminated. All landscaping will be subject to period inspection by the City to ensure compliance.
- b. Any trees required to be installed by this Ordinance that are lost to damage or disease within two years after installation, shall be replaced by the property owner within six months. Replacement trees must meet the size, quality, and installation standards in this Ordinance applicable to original installation of landscaping. Shrubbery or other plantings that die within 18 months of installation shall be replaced in kind within six months.
- c. Premises shall be kept landscaped, and lawns, hedges and bushes shall be kept trimmed and from becoming overgrown and unsightly where exposed to public view.
- d. On any parcel in excess of one acre in size, no clear-cutting shall be permitted without Planning Board approval, in accordance with Section 345-18 of the City Code, as amended. In conducting site plan review of proposed clear-cutting, the Planning Board shall consider whether:
  - i. The clear-cutting is for a recognized silvicultural purpose;
  - ii. There are adequate buffers on the shorelines of lakes, ponds, rivers or streams; along major travel corridors; and, if necessary, along property boundaries around dwellings on adjacent lands, so as to preserve water quality and visual quality, to control noise and to prevent drainage or erosion problems;

- iii. Habitats of rare and endangered species and other key wildlife habitats will be protected;
- iv. Regeneration of timber is assured;
- v. If proposed and if allowed by the Board, any use of pesticides and herbicides will be strictly controlled;
- vi. Harvest will be controlled by qualified personnel by contract, marked stand, direct supervision or other adequate means;
- vii. Wood roads and skid trails will be located and equipment will be operated so as to minimize erosion on slopes and elsewhere;
- viii. The storage, mixing or bulk handling of fuel, chemicals or other hazardous materials will be strictly controlled; and
- ix. The Timber Harvesting Guidelines for New York (New York Section of the Society of American Foresters, June 1975) will be adhered to.

(3) Lighting Maintenance

Burned out lamps shall be replaced as soon as possible.

(4) Stormwater Management Facilities

All stormwater management facilities, including but not limited to retention, detention, or infiltration areas and facilities, shall be maintained in good condition so as to detain, retain, transmit, treat, or allow the infiltration of water as originally designed.

(5) Parking Area Maintenance

All surface parking areas and parking structures for more than five vehicles and off-street loading areas shall be screened and maintained in clean and neat condition. Potholes, surface damage, and other hazardous conditions shall be promptly repaired, and litter and debris shall be removed on a regular basis. Within 24 hours of the end of a snowfall the owner or operator of each parking lot shall clear snow and ice from the parking area and the sidewalks in front of such property. All pervious parking or pavement surfaces must be properly maintained through vacuum cleaning, avoidance of sand, and other recommended maintenance techniques.

**Section 2.** Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classifications of the property known as, located and numbered as Street Nos. 2 through 11 Sandidge Way (formerly Loughlin Street), Street Nos. 3 through 12 Sandidge Way (formerly Loughlin Street) and 263 through Street Nos. 271 Fuller Road and also known as Tax Map Parcels No. 53.00-1-(54-69 inclusive), from R-1A (Single Family Low Density Residential District) to RMV (Residential Multi-Family Overlay), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1 consists of Tax Map Parcels Nos:

53.00-1-54  
53.00-1-55  
53.00-1-56  
53.00-1-57  
53.00-1-58  
53.00-1-59  
53.00-1-60  
53.00-1-61

Said premises containing 2.51 acres of land, more or less.

Parcel No 2 consists of Tax Map Parcels Nos:

53.00-1-62  
53.00-1-63  
53.00-1-65  
53.00-1-64  
53.00-1-66  
53.00-1-67  
53.00-1-68  
53.00-1-69

Said premises containing 3.07 acres of land, more or less.

**Section 3. The Common Council hereby declares the project proposed herein to be an UNLISTED action under SEQRA and the COMMON COUNCIL assumes lead agency status.**

**Section 3. This Ordinance shall take effect after a public hearing and final passage.**

**APPROVED**

**September 23, 2016**

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**Corporation Counsel**

**To:** Nala R. Woodard, City Clerk  
**From:** Marisa Franchini, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 21, 2016

**ORDINANCE NUMBER 40.52.16**  
**TITLE**

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATION OF CERTAIN PROPERTY LOCATED AT STREET NOS. 2 THROUGH 11 SANDIDGE WAY (FORMERLY LOUGHLIN STREET), STREET NOS. 3 THROUGH 12 SANDIDGE WAY (FORMERLY LOUGHLIN STREET) AND STREET NOS. 263 THROUGH 271 FULLER ROAD FROM R-1A (SINGLE FAMILY LOW DENSITY RESIDENTIAL DISTRICT) TO RMV (RESIDENTIAL MULTI-FAMILY OVERLAY) AND AMENDING THE ZONING MAP ACCORDINGLY.

**GENERAL PURPOSE OF LEGISLATION**

To rezone certain properties on Sandidge Way to RMV zone, consistent with the city-wide Rezone initiative.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Zoning changes require the passage of an ordinance.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

n/a

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

**FISCAL IMPACT(S)**

**Council Member      introduced the following**

**RESOLUTION NUMBER 96.101.16**

**A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE**

**WHEREAS**, a Project for the Pavement Preservation in the City Of Albany, P.I.N. 1759.79 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

**WHEREAS**, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of \$1,539,793.00 and;

**NOW, THEREFORE**, the Common Council duly convened does hereby

**RESOLVE**, that the Common Council hereby approves the above-subject project; and it is hereby further

**RESOLVED**, that the Common Council previously authorized the Mayor of the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work in the amount of \$218,775.00 for the Project or portions thereof; and it is further

**RESOLVED**, that the Common Council hereby authorizes the Mayor of the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$1,321,018.00 is hereby appropriated from the bond authorized by Ordinance 16.32.15 and made available to cover the cost of participation in the above Construction phase of the Project; and it is further

**RESOLVED**, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City Of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the NYSDOT thereof, and it is further

**RESOLVED**, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality's first instance funding of project costs and

permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

**RESOLVED**, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project and it is further

**RESOLVED**, this Resolution shall take effect immediately

**To:** Nala R. Woodard, City Clerk  
**From:** Marisa Franchini, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation Supporting Memorandum  
**Date:** September 16, 2016

**RESOLUTION NUMBER 96.101.16R**

**TITLE**

A RESOLUTION AUTHORIZING THE IMPLEMENTATION AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE "MARCHISELLI" PROGRAM-AID ELIGIBLE COSTS OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE

**GENERAL PURPOSE OF LEGISLATION**

The Project needs to be approved by the Common Council to allow the State of New York to reimburse the City for work accomplished on the construction, construction support and construction inspection phases of this Pavement Preservation Project. The Project includes the following streets: Ten Broeck Street from Clinton Avenue to Livingston Avenue; Cardinal Avenue from New Scotland Avenue to Whitehall Road; and Whitehall Road from Fullerton Street to Ten Eyck Avenue.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

This resolution is necessary to incorporate this work into the project and for the City to receive Federal Aid on these phases of the project.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

Deadline imposed by NYS Department of Transportation.

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

**FISCAL IMPACT(S)**

The funding for this project is already in place through bonding authorized by Ordinance 16.32.15.

Common Council Member

offered the following:

**Resolution Number 97.101.16R**

**RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURUSANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2016 TAX YEAR**

**WHEREAS**, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of the homestead and non-homestead classes; and

**WHEREAS**, the homestead and non-homestead locally adjusted base proportion of the Albany City School District for the assessment roll of 2016-17 has been determined pursuant to Section 1903 of the Real Property Tax Law based on the attached rates provided by the New York State Office of Real Property Tax Services; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany does hereby certify the Albany City School District's local adjustments to the adjusted base proportions pursuant to Real Property Tax Law Section 1903.



**To:** Nala Woodward, City Clerk  
**From:** Marisa Franchini, First Assistant Corporation Counsel  
**Re:** Request for Common Council Legislation  
Supporting Memorandum  
**Date:** September 23, 2016

**RESOLUTION NUMBER 97.101.16R**

**TITLE**

A resolution of the Common Council certifying local adjustments to the adjusted base proportions of the homestead and non-homestead classes for the Albany City School District for school tax purposes pursuant to Article 19 of the Real Property Tax Law.

**GENERAL PURPOSE OF LEGISLATION**

Certification of the School District's local adjustments to the adjusted base proportions of taxable value for the homestead and non-homestead classes for the 2016-17 school tax year based on the options provided for in law.

**NECESSITY FOR LEGISLATION AND ANY CHANGE TO EXISTING LAW**

Compliance with Article 19 of the Real Property Tax Law requires the local legislative body in taxing jurisdictions that have split the assessment roll into homestead and non-homestead classes to certify the making of local adjustments to the adjusted base proportions of the two classes for School District tax purposes. The New York State Office of Real Property Services calculates the percentages and the Common Council is required to certify the District's participation in the adjustment option provided for by law.

**EXPLANATION OF DEADLINE OR REQUESTED TIME FRAME FOR PASSAGE**

As soon as possible.

**SPECIFICS OF BIDDING OR OTHER PROCUREMENT PROCESS (if applicable)**

N/A

**SPECIFICS OF REAL PROPERTY SALE OR ACQUISITION (if applicable)**

N/A

**FISCAL IMPACT(S)**

See attachments.